IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.823 OF 2003

IN

SECOND APPEAL STAMP NO.25891 OF 2003

Shri Ganpat Shripati Sutar
and ors. : Applicants.

versus

Shri Prakash Yashwant Vadekar
and Anr. : Respondents.

Mr.U.B.Nighot for the applicants.
Mr.Mirajkar i/by G.S.Godbole for the respondents.

CORAM : D.G.DESHPANDE,J.

DATED : 20th October 2005.

ORAL ORDER

1. This is an application for condonation of delay of 2 years and 84 days. Suit of the plaintiffs/respondents was for possession and

arrears of rent. The defendants/appellants denied the claim of the plaintiffs contending that they have an agreement of sale with them and their suit is pending for specific performance. Application for condonation of delay is strongly opposed and in any case, the counsel for the respondents, states that respondents should be adequately compensated by costs. Therefore, this application is allowed. Delay is condoned subject to payment of costs of Rs.3500/-. Costs to be paid to the advocate for the respondents on or before 30.11.2005. Payment of costs is a condition precedent. Put up the matter for admission on 1.12.2005. Civil application is disposed of.

[D.G.DESHPANDE,J]